

Interracial News Service

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HISTORIC U.S. SUPREME COURT DECISION

(THE FOUR STATES)

... We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today, it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In *Sweatt v. Painter*, . . . , in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In *McLaurin v. Oklahoma State Regents*, . . . , the Court in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: ". . . his ability to study, engage in discussions and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely be-

cause of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. . . .

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. . . . We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees the cases will be restored to the docket, and the parties are requested to present further argument on questions . . . previously propounded by the court for the reargument this Term. . . .

(DISTRICT OF COLUMBIA)

This case challenges the validity of segregation in the public schools of the District of Columbia. The petitioners, minors of the Negro race, allege that such segregation deprives them of due process of law under the Fifth Amendment. They

The matter in these pages is presented for the reader's information. Unless so stated, it is not to be construed as reflecting the attitudes or positions of the Department of Racial and Cultural Relations or of The National Council of Churches.

were refused admission to a public school attended by white children solely because of their race. They sought the aid of the District Court for the District of Columbia in obtaining admission. That court dismissed their complaint. We granted a writ of certiorari before judgment in the Court of Appeals because of the importance of the constitutional question presented. . . .

In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government. We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process law guaranteed by the Fifth Amendment to the Constitution.

(Taken from the *Text of the United States Supreme Court Decision on Segregation in Public Schools*, May 17, 1954).

EDITORIAL COMMENTS

The Supreme Court took a long and careful time to arrive at the unanimous decision . . . that "segregation of children in the public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprives the children of the minority group of equal educational opportunities." But the decision reached was inevitable in the year 1954 regardless of what may have been the case in 1868, when the Fourteenth Amendment was adopted, or in 1896, when the "separate but equal" doctrine was laid down in the case of *Plessy v. Ferguson*. . . .

The question, . . . was more fundamental than in any previous case. It was whether Negro children segregated solely on the basis of race, even though offered equal facilities, were thereby deprived of equal educational opportunities. . . .

The Court, . . . concludes that "separate educational facilities are inherently unequal," . . .

It is true, of course, that the court is not talking of that sort of "equality" which produces interracial marriages. It is not talking of a social system at all. It is talking of a system of human rights which is foreshadowed in the second paragraph of the Declaration of Independence, which stated "that all men are created

equal." Mr. Jefferson and the others who were responsible for the Declaration did not intend to say that all men are equally intelligent, equally good or equal in height or weight. They meant to say that men were, and ought to be, equal before the law. If men are equal, children are equal, too. There is an even greater necessity in the case of children, whose opportunities to advance themselves and to be useful to the community may be lost if they do not have the right to be educated. . . .

A constitutional principle inherent in the Declaration of Independence and never entirely forgotten, even in the days of human slavery, has, however, been restated. . . . The highest court in the land, the guardian of our national conscience, has reaffirmed its faith — and the undying American faith — in the equality of all men and all children before the law. (*New York Times*, May 18).

Politically, the Supreme Court decision against racial segregation in the public schools will have repercussions in the South against both the Republicans and the Roosevelt-Truman-Stevenson species of Democrats.

Conversely the effect will be to strengthen the hand of Democrats who still defend the principle of state's rights and cherish the South's traditional way of life. . . .

. . . it is inevitable that Republicanism along with New Dealism and its offspring, Fair Dealism, will be struck amidst in the displeasure over the decision. This displeasure could mean, and indeed is likely to mean, many recruits for the ranks of State's Rights Democrats. . . . (*Mobile, Ala. Register*, May 19).

While the general principle of non-segregation in public schools has been enunciated by the Supreme Court of the United States, actual application of the new doctrine seems some time off.

Not until the Court hears arguments next fall as to when and how the change should be made, will a decree be ordered. And we don't see how the justices could ignore the practical phases of the problem that has been created. Therefore, the timing should be most liberal. . . .

The general opinion is that the Court will be liberal in its timing. On the other hand, who would have thought the decision would have been unanimous? So the attitude of the court, in the last analysis, is unpredictable. (*The State*, Columbia, S. C., May 20).

State Rep. Jack Fisk of Wharton vehemently proclaims his sincerity in advocating abolishment of the public school system, or even Texas secession from the Union, if the United States Supreme Court should rule against racial segregation in public education.

It is a reflection of the changed times that Fisk's statement will be generally dismissed as an absurd outburst. The great majority of Texans, it is believed here,

will accept in good grace whatever the Supreme Court's interpretation of the Federal Constitution on that point may be.

Certainly most thinking citizens must conclude that racial prejudice has no value that would warrant wrecking the state's fine public school system. Some Deep South States are threatening such a last ditch stand, but such talk smacks of sheer bluff.

As for secession talk, Representative Fisk should be gently but firmly reminded of the various anti-subversive laws that punish anyone advocating the overthrow of constituted government by violence. He is skating on pretty thin ice. (*San Antonio, Texas News*, March 23).

The Supreme Court's resolution . . . of the school segregation cases affords all Americans an occasion for pride and gratification. The decision will prove, we are sure — whatever transient difficulties it may create and whatever irritations it may arouse — a profoundly healthy and healing one. It will serve — and speedily — to close an ancient wound too long allowed to fester. It will bring to an end a painful disparity between American principles and American practices. It will help to refurbish American prestige in the world which looks to this land for moral inspiration and restore the faith of Americans themselves in their own great values and traditions. . . . (*Washington Post*, May 18).

This momentous decision amounts to a reaffirmation before the world of faith in our own constitutional way of life and a pledge to the effect that we will not only preach human rights but that we will earnestly pursue the practice. It is an assurance that the people of the United States are yet in accord with the proposition that all men are created equal and endowed with certain inalienable rights. . . .

From this day on it is incumbent upon the spirit of this nation to cry out "full speed ahead" in the drive to purge our land of the wasteful and morally degrading practice of segregation. Negro citizens are dedicated to this task and there are daily evidences that members of the white group are taking an ever greater part in this effort. . . . (*St. Louis Argus*, May 21).

CHURCH BODIES SPEAK*

PRIOR TO DECISION

Georgia Council of Churches

Current problems seriously affecting the welfare of the people of our State trouble the hearts and minds of the members of the Executive Committee of the Georgia Council of Churches. Among these problems are: the impending decision of the Supreme Court on segregation in the

*This section does not include all of the statements made by church bodies; only those which have come to the Department by the date of publication of this issue.

public schools; the state security questionnaire; the forthcoming campaigns for political office. . . .

Believing that the Georgia Council of Churches has a moral responsibility for holding before the people of the State the religious principles involved in these vital human problems the Executive Committee unanimously concurs in the following statement:

We recognize that the Georgia Council of Churches is a working fellowship of the member denominations and has no authority to speak for the constituent denominations, members or for the total Christian forces of the State.

With many voices and opinions clamoring for attention, we, therefore, speak not for but to the 505,000 Christians who are members of the Communions who hold official membership in this Council.

Whatever affects people is the concern of Our Lord, and therefore of His Church. Christ revealed to the world the heart of a God who is concerned for men in every relationship of life. Anyone who holds a place of leadership in church, state or business, holds that leadership under obligation to God.

In their efforts to deal with these pressing problems we call upon all church bodies, local and regional, to make a calm, intelligent, Christian study of the issues involved, and then to speak openly and uncompromisingly for action in accordance with Christian principles, always with and in the spirit of Christ.

. . . It is imperative that Christians oppose every encroachment on human liberty, every racial discrimination, and every lack of reverence for God or for man whom God created in His image. . . . (Statement adopted by the Executive Committee, Georgia Council of Churches, April 22, 1954).

Gainesville Ministerial Assn.

We, the ministers of the Gainesville Ministerial Association, in regular session, March 8, 1954, make the following declaration for the prayerful consideration of our people:

We desire to affirm our faith in continued constitutional government and in the public school system as two of the great cornerstones on which our democracy rests. We are mortally afraid of efforts to tamper with these two cornerstones.

We do not now foresee any predictable future developments that would justify the extreme and dangerous proposal of some to amend our Georgia Constitution to make available public tax funds for some possible private ownership or administration of our school system. We earnestly appeal to our people to think long, should leaders seek to lead them into any sort of extreme measure that might ultimately destroy our public schools or the public control of them.

We affirm our confidence in the leaders of our state educational system and their ability to make any necessary adjustments, should the Supreme Court rule that the

present pattern of separate, but equal, schools is not in keeping with American ideals and the constitutional rights of all people.

We petition our people to be calm and watchful, should leaders seek to hurry them into any action not in keeping with their profession as followers of Jesus Christ. We beg them to stand for the freedom of our public schools from political and sectarian involvement. We further petition those who offer themselves for public office to earnestly endeavor to keep all references to the above problem on the highest possible plane and with the fullest appreciation of the feelings of all our citizenry. (Statement adopted by Gainesville (Ga.) Ministerial Association, March 8, 1954).

St. Louis Church Federation

The Executive Board of the Metropolitan Church Federation of St. Louis welcomes the opportunity . . . to assure the Superintendent of Schools and all persons bearing administrative and teaching responsibilities in the schools of Metropolitan St. Louis of its heartiest cooperation in bringing about a gracious and expeditious integration of the schools should the U. S. Supreme Court declare segregation unconstitutional. . . . (Statement of the Executive Board of the Metropolitan Church Federation of St. Louis, Mo., February 5, 1954).

North Carolina Council of Churches

Mankind has a right to expect the Christian Church to give guidance in all the pressing social issues of our day. Indeed the church of Christ must be sensitive to every problem that affects human personality. It must be the pioneer in every movement that would release the bodies and minds and souls of men in their struggle for freedom and the development of their full capacities.

Therefore, the Church cannot sit on the sidelines as millions of Americans, as well as multiplied millions of people throughout the world, await the decision of the United States Supreme Court concerning segregation in our public schools. We are fully aware that within the Christian community are honest differences of opinion regarding segregation. . . .

. . . When the Court speaks, we call upon all of our church people to be patient, tolerant, forbearing, to abide by the decision and to seek for a Christian solution of this, as well as every problem confronting us today. We particularly urge our people to pray, to ask God's guidance as we seek to solve this, as well as other urgent issues before us.

We have confidence in our Supreme Court, as well as other judicial bodies in our land. . . . Citizens of North Carolina, of all races, will abide by the decision of the highest court in the land.

Furthermore, we believe in our public schools. . . . It would be a tragedy if our public school system were to be impaired in any way.

But our hope for an ultimate solution of this issue does not lie in the courts, or

even in our schools, but in the human heart. It can come only when men and women are willing to follow the ways of Christ in all of their relations. Therefore, this issue is a great challenge to the Church. Christian leaders, clerical and lay, must seek to discover the mind of Christ, must give to a waiting, frustrated, wistful humanity a Gospel that will help all men to live together as brothers and that will enable all the children of God to have full opportunity for "life, liberty and the pursuit of happiness." Although not undertaking to speak officially for its constituent members, the North Carolina Council of Churches calls upon all of its member churches, its clergy and laymen, to work wholeheartedly to this end. It is gratifying that Christian groups and individuals of all races all over the South are facing this issue with courage and a dedication to true Christian principles. (Resolution voted by the N. C. Council, January 27, 1954).

Congregational Christian Churches

Congregationalists from North Carolina and Virginia (in the Southern Convention of the Congregational Christian Churches) urged the officials of their states to comply with the decision of the U. S. Supreme Court in the school cases, when it is handed down.

. . . (They) passed a resolution to this effect.

"In the event the Supreme Court rules segregation in public schools is unconstitutional, the ruling should be received in good faith and the system of public schools maintained on a non-segregated basis," . . . (*Afro-American*, May 15).

In view of the impending Supreme Court decision on racial segregation in the public schools, the Southeast Convention of the Congregational Christian Churches, speaking to but not for its members, urges:

1) that they consider the matter in the light of the fact that all men are the children of God, and that all persons of all races are brethren for whom Christ died;

2) that any decision in this matter be received in a spirit of reasonableness and Christian goodwill. (Resolution adopted by Southeast Convention of Congregational Christian Churches, May 14-15, 1954).

Archdiocese of Texas

Though many Catholic leaders have condemned the practice of compulsory racial segregation, not all of them have publicly called it "sin." . . . Yet the word "sin" is the word the people need to hear if their individual consciences are to be reached. They understand that word.

So Archbishop Robert E. Lucey's recent pastoral letter ordering his San Antonio Archdiocese "to stop the sin of racial segregation" in Catholic education achieved a double good — the ending of school segregation and the public relabeling of segregation as "sin." . . .

In the letter he says, "Since my coming among you 13 years ago I have urged clergy and laity, in season and out of season, to stop the sin of racial segregation and to treat all human beings as children of God. It is quite obvious that most encouraging progress has been made. . . .

"Henceforth no Catholic child may be refused admittance to any school maintained by the archdiocese merely for reasons of color, race or poverty. Students applying to our schools who possess the necessary qualifications of morality and academic standing may no longer be denied a Christian education because of their color." (*Catholic Interracial Review*, April, 1954).*

Presbyterian Church, U. S.

The case before the Supreme Court relative to segregation in the public schools involves moral issues which every American citizen must confront. . . .

In a real sense, then, the Church is on trial during these days of national decision. How great is the Church? How great is the Presbyterian Church in the United States? Known as a denomination which has championed the cause of human freedom, because God is sovereign of all, we as Presbyterians are being tested at this time. God help us to measure up to His demands upon us! (*A Moral Issue*, published by the Division of Christian Relations, Board of Church Extension and Board of Women's Work, Presbyterian Church in the United States).

Texas Council of Churches

We recognize that whatever decision the Supreme Court may render regarding race segregation in our public schools, the Christians of every Texas community have a responsibility to lead their respective communities in the development of plans and policies which will insure to every person his fullest rights and opportunities as an American and as a child of God.

(From the Report of the Resolutions Committee, Texas Council of Churches).

Virginia Council of Churches

. . . We do not attempt to speak for the fifteen communions which compose our Council, but as the Executive Committee of the Virginia Council of Churches, we are deeply concerned about the rapidly approaching crisis over racial segregation particularly as that situation may be fundamentally affected by the forthcoming ruling of the Supreme Court of the United States on segregation in our public schools.

. . . We . . . recognize that our public schools are essential to the proper functioning of democracy, and are eager to see the state of Virginia maintain its public school system unimpaired. We are convinced, however, that no satisfactory solution to the so-called "segregation

*Other articles on racial integration in schools appear in this issue.

problem" is to be achieved outside the framework of Christian thought and teaching. No solution which even inferentially impugns the equal dignity and worth of human personality can be a final solution.

... When the Supreme Court of the United States shall have expressed itself on the matter, we call upon our brothers to receive its expression peacefully and in good faith. Patient perseverance in pursuit of ideal relationships in our time surely will have its reward. (Statement adopted by *Executive Committee, Va. Council of Churches*, January 8, 1954).

AFTER DECISION

National Council of Churches

The unanimous decision of the Supreme Court that segregation in the public schools is unconstitutional gives a clear status in law to a fundamental Christian and American principle. The decision will have far-reaching effects in the whole nation and the world.

It offers the promise of further steps for translating into reality Christian and democratic ideals. The decision is a milestone in the achievement of human rights, another evidence of the endeavor to respect the dignity and worth of all men.

The complexity of implementing the decision is recognized by the Court which has set the cases for further reargument on the formulation of the decrees. To put the decision into effect will test the goodwill and discipline of people in many communities. Adjustments will be more difficult in some localities than others. In the period of transition from one pattern to another (whatever the length of the period to be prescribed by the Court), we know that the churches and individual Christians will continue to exert their influence and leadership to help the authorized agencies in the several communities to bring about a complete compliance with the decision of the Supreme Court. The law of neighborliness is the great guide available to Christians as they deal with this situation in their local communities. "Thou shalt love thy neighbor as thyself." The second part of the Great Commandment contains the potential for lifting men to a new level of social responsibility and for creating new dimensions of human brotherhood. (Statement adopted by the *General Board, National Council of the Churches of Christ in the U. S. A.*, May 19, 1954).

Catholic Interracial Council

We are gratified with the clearness, completeness and unanimity of the decision of the United States Supreme Court in the school segregation cases.

This is a logical step in the expansion and perfection of American democracy. The next step is the creation and practice of community educational patterns consistent with the spirit and intent of the court decision.

We are confident that throughout the country thoughtful citizens will support with appropriate efforts this historic reaffirmation of the principle of the equality of all men before the law. (Statement of the *Catholic Interracial Council*, New York, N. Y., May 18).

Synagogue Council of America

The Synagogue Council of America greets with deep satisfaction the historic decision of the Supreme Court of the United States ending segregation in the public schools of America.

This decision is another expression of the Prophetic insistence that in the eyes of God all men are his children and therefore equal, regardless of their religion or race.

The sincere believer in the Fatherhood of God must believe in the brotherhood of man and consequently that what is basic in our neighbor is the color of his conduct, not his skin.

This epic pronouncement illumines again the great soul of America; it is conclusive repudiation of the Communist challenge to the genuineness of America's democratic avowals. (The Synagogue Council of America is the coordinating agency for the Conservative, Orthodox and Reform branches of Judaism).

Virginia Baptist Board

The Executive Committee of the Virginia Baptist Board of Missions and Education, meeting in Richmond, Virginia, on the day following the finding of the United States Supreme Court that segregation in the Public Schools is in violation of the Constitution of the United States, recognizes the emotional and practical difficulties in complying with the ruling of the Supreme Court.

The Executive Committee urges all men of goodwill, who believe in law and order, to refrain from excessive statements and actions and to seek a peaceful, orderly, and Christian solution to every problem raised by this ruling against Segregation in the Public Schools. (*Religious Herald*, May 27).

WORTHWHILE READING

The Negro and the Schools, Harry S. Ashmore, University of North Carolina Press, Chapel Hill, N. C.; \$2.75.

The Negro and the Schools, Public Affairs Pamphlet based on Ashmore Report. (Available in July).

The Social Psychology of Prejudice, Gerhard Saenger; Harper and Bros., New York. \$3.50.

Racial and Cultural Minorities, G. E. Simpson and J. M. Yinger, Harper and Bros., New York. \$6.00.

TRAINING OPPORTUNITIES

Annual Interdenominational Institutes on Racial and Cultural Relations will be held this summer across the country at the following points:

Pepperdine College, Los Angeles, Calif., July 12-17

Lincoln Seminary, Lincoln University, Pa., July 19-24

National College for Christian Workers, Kansas City, Mo., August 2-7

These Institutes seek to serve the practical needs of the Protestant churches as they move toward the realization of non-segregated churches in non-segregated communities.

Social Action Institutes, Congregational Center, Framingham, Mass., July 27-31. For information write: Rev. Myron W. Fowell, 14 Beacon St., Boston 8, Mass.

11th Annual Race Relations Institute, Fisk University. For information write: Mr. Robert Sweet, Fisk University, Nashville, Tenn.

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